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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,038	04/21/2005	Bernd Peeters	P471.312-0002	2293
164 7590 05/12/2008 KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002				
EXAMINER MOORTHY, ARAVIND K				
ART UNIT 2131		PAPER NUMBER		
MAIL DATE 05/12/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/512,038

**Applicant(s)**

PEETERS ET AL.

**Examiner**

Aravind K. Moorthy

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date see attachment  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the communications filed on 21 April 2005.
2. Claims 1-15 are pending in the application.
3. Claims 1-15 have been rejected.

#### ***Information Disclosure Statement***

4. The examiner has considered the information disclosure statement (IDS) filed on 20 October 2004.

#### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wristwatch, software license, dongle and security chip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: wireless device 7, dongle 6 and data 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the replacement" in the claim. There is insufficient antecedent basis for this limitation in the claim. For the sake of examination, the examiner assumes it is "the exchange".

Claim 3 recites the limitation "the software license data" in the claim. There is insufficient antecedent basis for this limitation in the claim. For the sake of examination, the examiner assumes it is "a software license data".

***Claim Objections***

8. Claims 1 and 15 are objected to because of the following informalities: misspelling. The applicant has misspelled the word "processor" as "process". For the same of examination, the examiner will assume that the "process" is "processor". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**9. Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Zunke U.S. Patent No. 7,225,336 B2.**

As to claim 1, Zunke discloses a device for protecting against unauthorized use of software. Zunke discloses software copy protection [column 2, lines 30-34]. Zunke discloses a first wireless (i.e. device 2 is a mobile phone; column 5, lines 37-39) devices exchanges data directly or indirectly with a processor running the software on a computing system and the processor runs incorrectly or in an error condition if the exchanged data contain errors. Zunke discloses an exchange of data. The computer 1 sends a request to device 2 to transmit its identification code [column 6, lines 11-15]. Next, in the device, the transmitter/receiver 4 reads

the identification code out from the memory 3 and transmits it to the transmitter/receiver 8 of the checking unit 6 via the wireless link [column 6, lines 15-18]. Zunke discloses that run authorization is only given if an identification code contained in a device is requested from the device via a wireless link and compared with a reference code are identical [column 3, lines 37-42]. The software would not have run if the codes were different. The error would have been if the code received was not the same as the reference code.

As to claim 2, Zunke discloses that the exchange of the data takes place via infrared or radio signals. Zunke discloses a radio link [column 5, lines 61-63].

As to claim 4, Zunke discloses that the first device is a mobile telephone, a PDA, a handheld computer, a wristwatch or a combination of these. Zunke discloses a mobile phone [column 6, lines 63-65].

As to claim 5, Zunke discloses that the first device saves or changes software license data in a transaction and this transaction data is transmitted or received via a direct or indirect telephone connection. The identification code would constitute the software license. It is well known in the art that a software license grants an end-user permission to use software. Zunke discloses that device 2 stores the identification code in memory 3 [column 6, lines 15-18]. Zunke discloses that the identification code is sent through a wireless link [column 5, lines 61-63] from a mobile phone [column 5, lines 37-39].

As to claim 6, Zunke discloses that the first device saves or changes software license data in a transaction and this transaction data is transmitted or received via a direct or indirect Internet connection. As discussed above, Zunke discloses that device 2 stores the identification code in memory 3 [column 6, lines 15-18].

As to claim 7, Zunke discloses that the first device saves or changes software license data in a transaction and this transaction data is transmitted or received via a direct or indirect connection to or from a second wireless device. Zunke discloses that the identification code is transmitted via the data link, e.g. the internet, together with an authorization (e.g. a unique serial number on the packaging), to the provider who will then transmit the identification code as the reference code to the computer 1 and thus to the program 5. The reference code may be transmitted to the computer together with a digital signature, so that the checking module may safely determine that the existing reference code is actually authorized by the provider of the program [column 7, lines 5-17].

As to claim 8, Zunke discloses that the first device saves or changes software license data in a transaction and this transaction data is transmitted or received via a direct or indirect connection to or from a PC. As discussed above, Zunke discloses that device 2 stores the identification code in memory 3 [column 6, lines 15-18]. Device 2 is the first device. Device 2 transmits the identification code via a wireless link to the computer 1 [column 6, lines 15-18].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zunke U.S. Patent No. 7,225,336 B2 as applied to claim 1 above, and further in view of Chmaytelli et al US 2004/0198334 A1.**

As to claim 3, Zunke discloses that that first device (i.e. device 2) contains an identification code [column 6, lines 30-34]. The identification code would constitute the software license. It is well known in the art that a software license grants an end-user permission to use software. Zunke teaches that if comparison between a stored identification code and a received comparison code correspond this enables use of the program [column 6, lines 18-24]

Zunke does not teach that the first device has a display on which the software license data for the use of protected software can be displayed.

Chmaytelli et al teaches displaying a license on a wireless device [0028].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke so that the identification code that constitutes the license, as discussed above, would have been displayed on the wireless device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke by the teaching of Chmaytelli et al because it gives an operator of a network server the ability to have wireless device users execute agreements or



verify facts prior to granting the user the ability to download or access applications and data resident on the application download or network server without significant use of the bandwidth and resources of the wireless network and network servers [0022].

**11. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zunke U.S. Patent No. 7,225,336 B2 as applied to claim 1 above, and further in view of Cronce et al U.S. Patent No. 7,032,240 B1.**

As to claims 9-12, Zunke discloses that the first device saves or changes software license data in a transaction. Zunke discloses that the first device (i.e. wireless device) saves the identification code in memory 3 [column 6, lines 15-18].

Zunke does not teach that this transaction data is transmitted or received via a direct or indirect connection to or from a dongle. Zunke does not teach that the dongle is connected with a PC. Zunke does not teach that the dongle is connected with the first or second device. Zunke does not teach the dongle is a smart card, a SIM card or a USB device.

Cronce et al teaches a dongle device in the form of a portable authorization device 140 [column 5, lines 17-21]. Cronce et al teaches that the portable authorization device is a USB device. Cronce et al teaches that the portable authorization device connects to a USB port of a personal computer (i.e. host system 110) [column 5, lines 27-31]. Cronce et al teaches that the portable authorization device is capable of receiving authorization information [column 6, lines 24-32].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke so that computer 1 would have had a portable authorization device (i.e. dongle) connected to the USB port. The portable authorization

device would have been capable of receiving the identification code from the wireless device. The portable authorization device would have determined whether the received identification code was equivalent to a stored identification code.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke by the teaching of Cronic et al because it provides an authorization device for authorizing the use of protected information that can be updated with new authorization information and yet is removably coupleable to host devices, readily portable and relatively inexpensive [column 3, lines 28-33].

**12. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zunke U.S. Patent No. 7,225,336 B2 as applied to claim 1 above, and further in view of Mowery et al U.S. Patent No. 7,164,886 B2.**

As to claims 13 and 14, Zunke discloses a wireless device communicating with a computer through a wireless link (i.e. Bluetooth) [column 5, lines 61-64].

Zunke does not teach that the Bluetooth communications is facilitated by a plug connection. Zunke does not teach that the plug connection is a USB or FireWire connection.

Mowery et al teaches a Bluetooth master unit 610, a USB 620, and an interface 630 that translates Bluetooth messages into USB messages and vice versa. The Bluetooth master unit 610 sends and receives messages from Bluetooth wireless devices and the USB 620 is a high-speed communications bus that permits the wired attachment of various devices to a computer system to which the USB 620 is itself attached. The interface 630 is used to translate and transform messages sent between the Bluetooth master unit 610 and the USB 620 and vice versa. The translation and transformation performed by the interface 630 allows messages originating on

one side of the interface 630 (either the Bluetooth master unit 610 or the USB 620) to be carried on the other side [column 8, lines 30-45].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke so that the computer as taught by Zunke would have had a Bluetooth master unit, a USB and an interface that would have translated Bluetooth messages into USB messages and vice versa. This would enable the computer to communicate with the wireless device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke by the teaching of Mowery et al because the added feature will negate the need for support software by providing a self-contained interface between the peripheral and its attachment technology and the computer system. The self-contained interface then provides a translation between signals generated by the unsupported attachment technology and a supported attachment method [column 2, lines 30-36].

**13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zunke U.S. Patent No. 7,225,336 B2 as applied to claim 1 above, and further in view of Aihara US 2002/0174337 A1.**

As to claim 15, Zunke discloses a wireless device communicating with a computer through a wireless link (i.e. Bluetooth) [column 5, lines 61-64].

Zunke does not teach that the wireless device has an indirect connection via a security chip with the processor installed or mounted in a fixed manner in the computing system.

Aihara teaches a card 1 that includes an antenna 2, wireless communication controller 3, flash memory 4, multi-I/O controller 5, interface 6, and encryption processing IC 7 [0034].

Aihara teaches the wireless communication controller 3 executes an authentication process of the PC 20. If it is confirmed that the PC 20 as a connection destination is an authentic device, the wireless communication controller 3 executes a generation process of an encryption key used to encrypt (decrypt) data on a wireless communication (steps S42 and S43). If it is not confirmed that the PC 20 is an authentic device, the wireless communication controller 3 ends the process without establishing connection of a radio channel (NO in step S42) [0058]. The authentication function makes the card 1 a security chip.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke so that the computer as taught would have had a card attached to it to enable the wireless communications. The card would have included an antenna, wireless communication controller, flash memory, multi-I/O controller, interface, and encryption processing IC. The card would have provided means to authenticate the wireless device it was communicating with.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Zunke by the teaching of Aihara because it provides a data communication method capable of attaining high-speed data transfer to/from a memory in the card and securely protects data input/output to/from the memory in the card by the security function [0011].

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/  
Examiner, Art Unit 2131  
/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2131